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April 5, 2013

TO: COUNCILMEMBER ANN KOBAYASHI, CHAIR  
BUDGET COMMITTEE

FROM: GAVIN KENNEDY, LEGISLATIVE ANALYST   
OFFICE OF COUNCIL SERVICES

RE: CONSISTENCY OF COUNCILMEMBERS'  
PROPOSED CAPITAL PROJECTS WITH THE DEVELOPMENT PLANS

We have reviewed the proposed CD1 amendments listed in Council Comm. 65 (March 22, 2013) that have been submitted to the Budget Committee Chair for inclusion in Bill 12 (2013) for consistency with the development plans as required by the City Charter.

### A. CRITERIA

All development plans, with the exception of the plan for the Northwestern Hawaiian Islands, have been updated by the Administration and adopted by the Council to comply with Section 6-1509 of the Charter. Tests to determine whether proposed projects are consistent with the development plans are based on public infrastructure maps (PIMs). Chapter 4, Article 8, Revised Ordinances of Honolulu, 1990, as amended ("ROH") relates to the adoption of PIMs. These provisions specify which public facilities must be shown on a PIM prior to the appropriation of land acquisition or construction funds.<sup>1</sup>

A project qualifies as a major public infrastructure if it meets the following criteria:<sup>2</sup>

1. It has a significant impact on surrounding land uses or the natural environment;

<sup>1</sup> In 2007, the criteria were amended to delete a minimum appropriation of \$3 million in capital costs as a trigger requiring a PIM. (Ordinance 07-37)

<sup>2</sup> Sec. 4-8.4, ROH.

2. It establishes a new facility;
3. It substantially changes the function of an existing facility; or
4. It involves modification (replacement or renovation) of an existing facility which would permit significant new development or redevelopment.

Nevertheless, Sec. 4-8.1(e), ROH, provides that the Council has the authority to resolve all questions of interpretation regarding whether a project requires placement of a symbol on the public infrastructure map.

## B. RESULTS

Almost all of the projects reflected in the Councilmembers' proposed amendments to the Executive Capital budget: 1) are properly designated on a PIM; 2) are exempt or minor projects that do not need to be shown on PIMs; or 3) need not be placed on PIMs since they do not involve appropriations for land acquisition or construction.

We reviewed approximately 60 Capital amendments. Of those only two proposed amendments to the Executive Capital budget may need to be shown on a PIM. Two projects warrant further review because the project descriptions are too vague to determine consistency with the applicable development plans.

### PROJECTS THAT MAY REQUIRE PIM AMENDMENT

1. Haleiwa Public Parking – Acquire land, plan, design and construct a public parking lot in Haleiwa (General Government function).

The proposal seeks to add \$1,000 in land acquisition funds to develop a public parking lot in Haleiwa. While the description includes construction, the proposed amendment does not add funding for the construction phase of the project.

The proposed land acquisition and potential construction of a parking lot will establish a new parking facility in Haleiwa. A new parking facility meets the criteria of Sections 4-8.3(9) and 4-8.4(2), ROH, for amending the North Shore PIM (by adding a "PKG" symbol).

A Resolution amending the North Shore PIM for a new parking facility in Haleiwa has been introduced (Resolution 13-61) and on March 28, 2013, was reported out of the Committee on Zoning and Planning for Council adoption.

### RECOMMENDATIONS

Section 4-8.1(c), ROH, states, in part, that: "Symbols for publicly funded facilities for a development plan area for which a public infrastructure map has been adopted shall be shown on the applicable public infrastructure map prior to the appropriation of land acquisition or construction funds."

As of the date of this memorandum Resolution 13-61 is likely to be adopted prior to July 1, 2013, although we note that because the resolution has not undergone the 75-day review by the Department of Planning and Permitting any action by the Council on this resolution will require a motion by two thirds of the entire membership.<sup>3</sup>

2. Canoe Halau at Haleiwa Beach Park – Mauka – Construct canoe halau at Haleiwa Beach Park-Mauka (Culture – Recreation function)

The proposal seeks to add \$500,000 in construction funds to construct a canoe halau at Haleiwa Beach Park – Mauka.

The proposed canoe halau may be considered a type of government building that will establish a new facility and thus meets the criteria of Sections 4-8.3 and 4-8.4, ROH, for amending the North Shore PIM (by adding a "GB" symbol). As of the date of this memorandum, no resolution amending the North Shore PIM for this project has been introduced.

## RECOMMENDATIONS

Section 4-8.1(c), ROH, states, in part, that: "Symbols for publicly funded facilities for a development plan area for which a public infrastructure map has been adopted shall be shown on the applicable public infrastructure map prior to the appropriation of land acquisition or construction funds."

As of the date of this memorandum no resolution has been introduced to amend the North Shore PIM to add a "GB" symbol for this project. We recommend that the Council consider a resolution to add a "GB" symbol to the North Shore PIM for a canoe halau at Haleiwa Beach Park before July 1, 2013, and make a determination regarding whether the project requires the placement of a symbol on the public infrastructure map or not.

## PROJECTS BROADLY OR VAGUELY DESCRIBED

Two projects in the Councilmember's proposed amendments to the Executive Capital Budget are described in general terms. As such, we are unable to determine whether a revision to PIM is necessary. These are the projects listed as Kahuku Municipal Golf Course/Turtle Bay and the Homeless Refuge (Puuhonua) Project.

While Kahuku Municipal Golf Course is currently included in the PIM for Koolauloa, the second part of this project, Turtle Bay, is described as including a "land acquisition or conservation easement at Turtle Bay, primarily at Kawela Bay." Without further information on this project it is unclear if an appropriation would include land acquisition for a type of public infrastructure that must be shown on the PIM.

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<sup>3</sup> Sec. 4-8.2(d), paragraph 3, ROH

The Homeless Refuge (Puuhonua) Project would include funding to acquire land for and construct facilities and infrastructure to provide services for homeless persons. Because it is unclear if this project will include a new government building or merely open space for a "tent-city," as described in the amendment form, we are unable to determine if a PIM amendment is needed. Additionally, because the project description does not include a location for the project, we are unable to determine the impacts it may have on surrounding land uses or the natural environment.

## RECOMMENDATIONS

In order to ensure that the above projects are in compliance with Charter and ROH requirements, we suggest that, if adopted in the CD1, the Council amend the descriptions as written in the proposed amendment forms to further clarify the intended scope of the projects. As an alternative solution, the Council could choose to only fund planning and design of these two projects and fund land acquisition and construction in future years when the projects are more clearly defined.